

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHELLY GUTHRIE,)	
)	
Plaintiff,)	
)	2:07cv821
vs.)	Electronic Filing
)	
LEONARD M. BAKER, individually)	Judge Cercone
and in his official capacity,)	Magistrate Judge Mitchell
CONSOLIDATED DELIVERY AND)	
WAREHOUSING, LIKEN STAFFING)	
SERVICES, FEDEX SMARTPOST, INC.,)	
and FEDEX GROUND PACKAGE)	
SYSTEM, INC.,)	
)	
Defendants.)	

MEMORANDUM ORDER

AND NOW, this 29th day of August, 2008, after the plaintiff, Shelly Guthrie,

filed an action in the above-captioned case, and after a motion for summary judgment was submitted by defendants Liken Staffing Services, FedEx SmartPost, Inc. and FedEx Ground Package System, Inc., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the moving defendants and the response to those objections filed by the plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 50), which is adopted as the opinion of this Court,

IT IS ORDERED that the motion for summary judgment submitted on behalf of Defendants Liken Staffing Services, FedEx SmartPost, Inc. and FedEx Ground Package System,

Inc. (Docket No. 33) is granted with respect to Count III of the complaint and denied with respect to Counts I and II.

IT IS FURTHER ORDERED that the joint motion for sanctions submitted on behalf of Defendants Liken Staffing Services, FedEx SmartPost, Inc. and FedEx Ground Package System, Inc. (Docket No. 36) is denied.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

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